

REMARKS/ARGUMENTS

Claims 8 and 11-13 are amended; claim 17 is new; and claims 1 and 3-17 are pending in this application, upon entry of this Amendment. No new matter is introduced by way of the Amendment. Support for new claim 17 can be found in Fig. 4 and paragraph [0029] of the Substitute Specification. Reconsideration of the present application is respectfully requested in light of the foregoing amendments and the following remarks.

Obviousness-Type Double Patenting Over the '190 patent

Claim 1 has been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being obvious over Claim 1 of U.S. Patent No. 7,211,190 ("the '190 patent"). Applicant notes that upon allowance of the claims in the instant application, a terminal disclaimer can be filed to make the term of the patent issuing from the instant application contiguous with the term of the '190 patent. Applicant is prepared to do so upon allowance of the claims in the instant application.

Claim Rejections - 35 U.S.C. §103

Claims 1 and 3-16 have been rejected under 35 U.S.C. 103(a) for allegedly being obvious over Kielbowicz (US 5,759,398), hereinafter "Kielbowicz", in view of Rivers (US 4,049,406), hereinafter "Rivers". The rejection is respectfully traversed.

The prior art does not teach nor recite all of the claim limitations of claim 1:

Kielbowicz and Rivers do not teach nor suggest, neither alone nor in combination, *inter alia*, that "the cassette units **each** contain...spaced apart walls and one or more intermediate walls arranged between and apart from the spaced apart walls" (emphasis added) as required by claim 1.

The interpretation of the prior art in the Office Action, on pages 10 and 11, is inconsistent with the actual disclosure of Kielbowicz.

The Office Action recited, “[r]egarding claim 1, ‘398 discloses:wherein the cassette units each contain spaced apart walls and one or more intermediate walls arranged between and apart from the spaced apart walls, which intermediate walls are formed as double walls allowing fluid flow inside the double walls (sequences of close locating wall 11, 12 are equal to said intermediate walls ...”. This interpretation (i.e. sequences of close locating wall 11, 12 as equal to said intermediate walls of claim 1) is incorrect.

In claim 1 each cassette unit contains one or more intermediate walls arranged between spaced apart walls. The Office Action fails to indicate between which spaced apart walls the “sequences of close locating wall 11, 12” are arranged in each cassette unit.

Moreover, Kielbowicz clearly discloses that each cassette unit is formed of two annular, perforated side wall sections 11 and 12 (Figs. 2 and 5, col. 1, lines 37 and 38); i.e. Kielbowicz discloses only two spaced apart walls in each cassette unit but no intermediate walls between the spaced apart walls. In column 3, lines 17-19 it is further recited that “[t]he circumferential discharge gaps 17 are formed with spacers 21 and 22 arranged between opposing wall sections 11 and 12 of adjacent cassette units 8”. Thus, individual cassette units can easily be identified in Figs. 2 and 5 of Kielbowicz because the cassette units 8 are separated by spacers 21 and 22.

On pages 10 and 11 the Office Action further recited “[r]egarding claim 1, ‘398 discloses:wherein the cassette units each contain spaced apart walls and one or more intermediate walls arranged between and apart from the spaced apart walls (.... a sequence of flange 4 and a close locating wall 16 is service as spaced apart wall, because some said wall can be made without perforation)”. This interpretation (i.e. to interpret a sequence of flange 4 and a close locating wall 16 to service anticipate the spaced apart walls of claim 1) is incorrect because in claim 1 each cassette unit contains spaced apart walls and one or more intermediate walls arranged between the spaced apart walls. The Office Action fails to indicate which intermediate walls are arranged between “flange 4 and a close locating wall 16”.

Moreover, Rivers also fails to disclose that “the cassette units **each** contain spaced apart walls and one or more intermediate walls arranged between and apart from the spaced apart walls”. Accordingly, Rivers fails to resolve the deficiencies of Kielbowicz.

The Office Action does not provide a prima facie reason to combine the references:

The Office Action recited “[h]owever, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include said limitation in view of Rivers, drawn to apparatus for removing of an undesirable impurity i. e. solving the same problem who teach an rectangular cassette unit of filtration element as shown in FIG. 1, column 2, lines 20+.” This reasoning is deficient because the filter housing and assembly disclosed by Rivers (US 4,049,406) do not solve the same problem.

The present application is directed to a protective screen for screening off a suction space and a suction duct connected to it in an emergency cooling system of a nuclear power plant, i.e. to a mechanical screen which has to withstand comparatively high loads for removing fibers and larger debris. The problem solved is to ensure that the pressure drop over the protective screen does not exceed the permissible limiting value, i.e. that the protective screen does not become clogged with the debris (see last sentence of paragraph 3 on page 1 of the present application).

The filter housing and assembly disclosed by Rivers, on the other hand, is used “[in] applications where an undesirable impurity is removed from a fluid stream by passing the fluid stream through a fluid treating material such as a porous bed adsorption media (col. 1, lines 10-13)”. Thus, Rivers allegedly solves the problem of removing impurities by chemical binding or physical adsorption for gas filtering. Rivers recites at col. 1, line 57 – col. 2, line 2 (emphasis added), “...the present invention provides a fluid filter housing and assembly therefore comprising: a housing...whereby gases passing around the filter assembly pass through the filtering material in the channels.” There is no indication by Rivers that the disclosed filter is suitable for high pressure liquid filtering.

Thus, a person of ordinary skill in the art would not expect the gas filter housing and assembly as disclosed by Rivers to withstand comparatively high loads as required by a liquid emergency cooling system of a nuclear power plant. The filter housing and assembly disclosed by Rivers is further unsuitable for use in an emergency cooling system of a nuclear power plant because the pressure drop created by the porous bed adsorption media would be excessive. Moreover, a person of ordinary skill in the art would readily recognize that the filter housing and assembly disclosed by Rivers would immediately clog if used as such.

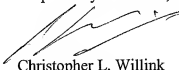
For at least the above-mentioned reasons the protective screen claimed in the present application and the filter housing and assembly disclosed by Rivers do not solve the same problem. Thus, a person of ordinary skill in the art would for at least the above-mentioned reasons refrain from using the gas filter housing and assembly disclosed by Rivers in an emergency cooling system of a nuclear power plant.

CONCLUSION

In view of the foregoing, applicant submits that this application is in condition for allowance, and a formal notification to that effect at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4380 (direct dial).

Respectfully submitted,



Christopher L. Willink
Reg. No. 62,135

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
C3W:jhw
62373952 v1